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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,166	02/24/2004	Kazumi Murata	016907-1601	2375
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EXAMINER THOMAS, ASHISH				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,166

Applicant(s)

MURATA, KAZUMI

Examiner

ASHISH K. THOMAS

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-11 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-11 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 4, 5, 8-11, 14, 15, and 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa(U.S. 2001/0043357) in view of Kitada(U.S. 2004/0179230).

Regarding claim 1, Owa discloses a data providing apparatus(**Host computer 1 disclosed in paragraph 33 reads on the data providing apparatus**) comprising: an input unit which inputs printing data; (**Paragraph 33, lines 8-12 teaches the ability to input print data.**) a setting unit which sets a selection condition; (**Paragraph 45 teaches a print condition input section 14 that can set a plurality of selection conditions.**) an acquiring unit which is connected to a network, and acquires a plurality of status information concerning a plurality of image forming apparatuses on the network; (**Paragraph 33 teaches a status monitor section 13. Paragraphs 41 and**

66 also detail the ability to monitor the status of printers in the network.) a selection unit which calculates evaluation of said plurality of image forming apparatuses on the basis of the selection condition, said plurality of status information and specifications of the printing data input by the input unit, the selection condition which is considered by the selection unit includes a distance from the data providing apparatus to the image forming apparatus and printing time of the image forming apparatus(**Paragraph 58 mentions print location(reads on distance) and print speed(reads on printing time) as some of the condition items.**), and the selection unit selects one image forming apparatus according to calculation result; (**Paragraph 33 teaches an output destination printer selection section 11. Paragraphs 61-64 also teach that an optimum printer is selected based on a calculated score.**) and a transfer unit which transfers the printing data input by the input unit in order to provide the printing data to said one image forming apparatus selected by the selection unit. (**Paragraph 33 teaches a data transfer section 17. Paragraph 55 further elaborates that the data transfer section 17 transfers the print data to a printer.**)

But Owa is silent on a third selection condition used to select a printer-stability of printing process of the image forming apparatus.

Kitada, on the other hand, teaches a third selection condition used to select a printer-stability of printing process of the image forming apparatus. (**Paragraph 151 teaches the ability to keep track of the number of errors occurring at each printer. A printer is selected based on this number. The ability to keep track of errors read on the stability of printing process.**)

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Owa with Kitada to fully put forth the apparatus claimed in claim 1.

The motivation behind this modification is to put forth a print job distribution apparatus that minimizes the number of errors. Selecting a printer with a low a number of errors increases the chances of successfully outputting a print job.

Regarding claim 11, it is rejected in the same manner as claim 1 since a corresponding method is claimed.

Regarding claims 4 and 14, Owa and Kitada teaches the limitations stated in the respective base claims. Owa further teaches a setting unit which sets a priority concerning certain conditions. **(Paragraphs 60 and 61 teach the ability to set a priority to certain user inputted conditions.)** Owa also teaches selection conditions such as distance from data providing apparatus to image forming apparatus and printing time of the image forming apparatus(**Paragraph 58**). Furthermore, Kitada teaches another selection condition-stability of printing processing of the image forming apparatus(**Paragraph 151**)

Regarding claims 5 and 15, Owa further teaches that the user can arbitrarily set a value of the priority of the setting unit. **(Paragraph 58 talks about the user-specified priorities.)**

Regarding claims 8 and 18, Kitada further teaches a method/apparatus wherein the selection condition of the setting unit includes the stability of the printing processing of the image forming apparatus, and the stability is determined on the basis of how

many the image forming apparatus has generated an error during a predetermined period in the past. **(Paragraph 151 teaches the ability to keep track of the number of errors occurring at each printer. A printer is selected based on this number. The ability to keep track of errors read on the stability of printing process.)**

Regarding claims 9 and 19, Owa further divulges that the calculation result is determined in consideration of whether the image forming apparatus can process a task shown by the printing data or not. **(Paragraph 66 teaches that the selection score for each printer is based on the printer's ability to match the print conditions specified by the user.)**

Regarding claims 10 and 20, Owa further teaches that the calculation of the evaluation of the selection unit is performed not only to each of said plurality of image forming apparatuses, but also to a plurality of ports which are included in the image forming-apparatus. **(Paragraphs 65 and 66 teach that the calculated score would be based on whether or not the printer is printing another job. This, in turn, implies the ability to assess a printer's ports in communication with other devices in the network.)**

3. **Claims 6 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa(U.S. 2001/0043357) in view of Kitada(U.S. 2004/0179230) and further in view of Taniguchi(U.S. 6,801,962).

Regarding claims 6 and 16, Owa and Kitada teach the limitations stated in the respective base claims.

But this combination does not teach that the distance from the data providing apparatus to the image forming apparatus, which is one of the selection conditions of the selection unit, is the value set by the user.

Taniguchi, on the other hand, discloses that the distance from the data providing apparatus to the image forming apparatus, which is one of the selection conditions of the selection unit, is the value set by the user. **(Column 14, lines 35-65 teaches that an output device is determined based on the distance between the output device and the user terminal. This reference also teaches that the user can specify the range of the distance.)**

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Owa and Kitada with Taniguchi to fully put forth the apparatus/method claimed in claims 6 and 16.

The motivation behind this modification is to put forth a fast printing method. By permitting the user to set the distance range, the print job is allocated to a printer near the user. This, in turn, permits the user to rapidly retrieve the outputted print job.

4. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa(U.S. 2001/0043357) in view of Kitada(U.S. 2004/0179230) and further in view of Clough(U.S. 2003/0011811)

Regarding claims 7 and 17, Owa and Kitada disclose the subject matter claimed in the base claims.

However, this combination is silent on an apparatus/method wherein the selection condition of the setting unit includes the printing time of the image forming

apparatus, and the printing time is a printing schedule time calculated in consideration of paper, the number of printing sheets, a printing mode, which are specified by the printing data, and said plurality of status information of said plurality of image forming apparatuses of the network.

Clough, on the other hand, teaches an apparatus/method wherein the selection condition of the setting unit includes the printing time of the image forming apparatus, and the printing time is a printing schedule time calculated in consideration of paper, the number of printing sheets, a printing mode, which are specified by the printing data, and said plurality of status information of said plurality of image forming apparatuses of the network. **(Paragraphs 21 and 22 teach the ability to specify the printing period 60. Once the user specifies the printing period 60, the print job is scheduled to meet this specification.)**

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Owa and Kitada with Clough to fully put forth the method/apparatus claimed in claims 7 and 17.

The motivation behind this modification is to devise an apparatus that accommodates to the needs of the user. By printing within the user-specified time period, this is realized.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHISH K. THOMAS whose telephone number is (571)272-0631. The examiner can normally be reached on 9:00 a.m. - 5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashish K Thomas/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625
